IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3685 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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NATIONAL INSURANCE CO. LTD.

Versus

AMBABEN GOVINDBHAI PATEL

Appearance:

1. First Appeal No. 3685 of 2001
DAKSHESH MEHTA for Petitioner No. 1
MR CHETAN K PANDYA for Respondent No. 1-3,5

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE H.H.MEHTA

Date of decision: 21/09/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

Heard the learned Counsel for the respective parties. Appeal admitted. Mr. Chetan K. Pandya appears on behalf of the respondents Nos. 1 to 5 (original claimants) and waives service of notice in appeal.

2. At the joint request of the learned Counsel, this appeal is taken up for final hearing today. This is an appeal under Section 173 fo the Motor Vehicles Act, at the instance of the Insurance Company, who challenges the judgement and award passed by the Motor Accident Claims Tribunal (Aux.), Mehsana in Motor Accident Claim Petition No. 948 of 1991.

3. It is pertinent to note that the appeal has been pressed before us only on the question of rate of interest awarded by the Tribunal on the amount of compensation awarded to the claimants.

4. As a result of the hearing and discussion on this limited aspect involved in this appeal, the learned Counsel for the respective parties have informed the Court that they are agreeable to the following modification in the impugned order. We have also applied our independent mind to the agreement arrived at between the learned Counsel and find that this understanding is both reasonable and will do substantial justice to both the parties. We accordingly hold and direct by consent that the respondents - original claimants will be entitled to interest on the amount of compensation awarded by the Tribunal at the rate of 12 per cent per annum from the date of the petition upto 31.12.1999, and at the rate of 9 per cent per annum from 1.1.2000 upto the date of deposit or payment.

5. The impugned judgement and award is therefore modified only to the aforesaid extent while the rest of the award stands confirmed. This appeal is therefore partly allowed with no order as to costs. Decree accordingly. The amount deposited with the registry by the appellant shall be transmitted to the Tribunal forthwith - that is to say, not later than 28th September, 2001.

(Y.B.Bhatt, J.) (H.H.Mehta, J.)

*/Mohandas